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Appendix III.

[Vide items VIII and IX on page 331 supra.]

BILLS Nos. 21 AND 22 OF 1931.

To

The Honourable the LEGISLATIVE COUNCIL
of the GOVERNOR of MADRAS.

We, the members of the Select Committee appointed to consider the Bill to amend the Madras Gaming Act, 1930, and the Bill to amend the Madras City Police Act, 1888 (viz., Bills Nos. 21 and 22 of 1931), have the honour to make the following report.

2. The Bills were published in the *Fort St. George Gazette* in English on the 15th of September 1931 and the 29th of September 1931 respectively.

3. We met on Saturday, the 19th of December 1931, and the 20th of January 1932 for the purpose of considering the provisions of the Bills.

4. The scope of the two Bills is exactly the same, one seeking to amend the Madras Gaming Act, 1930, which applies to the mufassal and the other the Madras City Police Act, 1888, which applies to the City of Madras. They seek to make two amendments in the Acts to which they respectively relate.

5. *First amendment—Clause 2 of the Bills.*—As section 5 of the Madras Gaming Act and section 42 of the Madras City Police Act stand at present, they authorize a Police Officer not below the rank of a Deputy Superintendent of Police in the mufassal and the Commissioner of Police in the City of Madras to issue a warrant to effect a search of any premises which he has reason to believe to be a common gaming house. The first amendment seeks to enable the officers in question themselves to conduct the search instead of issuing a warrant. We consider that the amendment is unobjectionable and approve of clause 2 of the Bills.

Second amendment—Clause 3 of the Bills.—This amendment relates to section 6 of the Madras Gaming Act and section 43 of the Madras City Police Act. As the sections now stand and as they have been interpreted by a decision of the Madras High Court, they merely enable instruments of gaming found on a search of premises under section 5 and section 42 of the said Acts respectively, to be used as 'evidence' to be dealt with by the Court as any other evidence and to be accepted or not according to the circumstances of each case and they do not create any presumption of guilt against the accused. There is a similar decision of the Bombay High Court in interpretation of the corresponding provision of the Bombay Prevention of Gambling Act, 1887. The amendment proposed in the present Bills is intended to create a presumption against an

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accused person from the fact of the discovery of instruments of gaming on his person or in his premises, on a search under the abovementioned sections. We are not in favour of such an amendment as it involves the risk of innocent persons being proceeded against under the Acts. We have therefore deleted clause 3 of these Bills.

6. We consider that the Bills as amended by us do not require republication.

W. M. BROWNING.
D. V. NARASIMHASWAMI.
* BASHEER AHMED SAYEED.
C. BASU DEV.
H. M. JAGANNADHAM.
ABDUL HAMEED KHAN.
* SAMI VENKATACHALAM CHETTI.
T. SUNDARA RAO NAYUDU.
P. SUBRAHMANYA CHETTI.
M. A. MANIKKAVELU NAYAKAR.
R. MADANAGOPAL NAYUDU.
A. KRISHNASWAMI.
MAHOMED USMAN.
M. KRISHNAN NAYAR.
C. NATESAN.

20*th January* 1932.

* Subject to minute of dissent.

MINUTES OF DISSENT.

In my opinion the Home Member will be well advised to withdraw this Bill for the present.

10*th March* 1932. BASHEER AHMED SAYEED.

The Bill is unnecessary.

10*th March* 1932. SAMI VENKATACHALAM CHETTI.

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ANNEXURE I.

BILL No. 21 OF 1931.

A Bili to amend the Madras Gaming Act, 1930, for certain purposes.

(As amended by the Select Committee.)

Madras Act III of 1930. WHEREAS it is expedient to amend the Madras Gaming Act, 1930, for the purposes hereinafter appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Madras Gaming (Amendment) Act, 1932. Short title.

2. Section 5 of the Madras Gaming Act, 1930 (hereinafter referred to as the said Act), shall be renumbered as sub-section (1) of section 5, and to that section as renumbered the following sub-section shall be added, namely:— Amendment of section 42, Madras Act III of 1888.

"(2) Any Police officer having power to issue a warrant under sub-section (1) may, instead of doing so, himself exercise all or any of the powers exercisable under such warrant."

TRUTH ALONE TRIUMPHS

ANNEXURE II.

BILL No. 22 OF 1931.

A Bill further to amend the Madras City Police Act, 1888, for certain purposes.

(As amended by the Select Committee.)

Madras Act III of 1888. WHEREAS it is expedient further to amend the Madras City Police Act, 1888, for the purposes hereinafter appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Madras City Police (Amendment) Act, 1932. Short title.

Madras Act III of 1888. 2. Section 42 of the Madras City Police Act, 1888 (hereinafter referred to as the said Act), shall be renumbered as sub-section (1) of section 42 and to that section as renumbered the following sub-section shall be added, namely:— Amendment of section 5, Madras Act III of 1930.

"(2) The Commissioner may, instead of issuing a warrant under sub-section (1), himself exercise all or any of the powers exercisable under such warrant."